

Exhibit 1

Subject: RE: VirtaMove v. IBM // M&C Re Motion to Transfer

Date: Tuesday, August 20, 2024 at 10:46:12 PM Central Daylight Time

From: Calhoun, Kyle Austin

To: ptong@raklaw.com

CC: #IBM-VirtaMove KE Team, DL_HPE-VirtaMove@BakerBotts.com, Andrea Fair, Morrill, Drew

Peter,

At the meet and confer last week, you stated that VirtaMove would most likely oppose IBM's request due to the relative convenience for VirtaMove's Canada-based witnesses to travel to EDTX over NDCA, but that you were going to check with your client to see whether VirtaMove would agree to not oppose IBM transfer motion in exchange for IBM's agreement to limit asserted prior art references to the systems we identified last week. Asking for IBM's position on whether it can bind Red Hat to litigation agreements and whether IBM/Red Hat would agree to forego the right to file IPRs goes well beyond our discussion, the proposal you said you would run by your client, and the issues pertinent to IBM's transfer motion. Also, these questions could have been raised over a week ago when we asked for VirtaMove's position on IBM's transfer motion.

Since VirtaMove is unable to provide a firm offer that could resolve any dispute over IBM's transfer motion, we will proceed with filing our motion and note that VirtaMove opposes IBM's request for transfer. To the extent VirtaMove elects to provide a firm offer at a later date, we are happy to consider it.

Best,
Kyle

Kyle Calhoun

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kyle.calhoun@kirkland.com

From: ptong@raklaw.com <ptong@raklaw.com>

Sent: Tuesday, August 20, 2024 2:51 PM

To: Calhoun, Kyle Austin <kyle.calhoun@kirkland.com>

Cc: #IBM-VirtaMove KE Team <IBM-VirtaMoveKETeam@kirkland.com>; DL_HPE-VirtaMove@BakerBotts.com; Andrea Fair <andrea@wsfirm.com>; Morrill, Drew <drew.morrill@kirkland.com>

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Kyle,

I'm following up on the discussion below. We would like to further discuss the proposal raised during the meet and confer, that IBM be limited the witnesses and evidence in your email below if we do not oppose transfer. Can you investigate the following and propose a time for a follow up

meet and confer this Friday?

1. The 6 prior art listed below – will these be system art or printed publications?
2. Does IBM have the power to bind Red Hat on agreements that we reach?
3. Will IBM/Red Hat forego its right to file IPR petitions if we agree to transfer?

Peter Tong

Russ, August & Kabat

4925 Greenville Avenue, Suite 200 | Dallas, Texas 75206

Main +1 310 826 7474 | ptong@raklaw.com | www.raklaw.com

From: ptong@raklaw.com <ptong@raklaw.com>

Date: Friday, August 16, 2024 at 1:59 PM

To: Calhoun, Kyle Austin <kyle.calhoun@kirkland.com>

Subject: Re: VirtaMove v. IBM // M&C Re Motion to Transfer

I'm going to be about 5 minutes late. Meeting spillover.

Peter Tong

Russ, August & Kabat

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From: Calhoun, Kyle Austin <kyle.calhoun@kirkland.com>

Date: Friday, August 16, 2024 at 1:45 PM

To: ptong@raklaw.com <ptong@raklaw.com>, #IBM-VirtaMove KE Team <IBM-VirtaMoveKETeam@kirkland.com>, rak_virtamove@raklaw.com <rak_virtamove@raklaw.com>

Subject: VirtaMove v. IBM // M&C Re Motion to Transfer

Counsel,

Per your request, please find the information below regarding IBM's transfer motion. IBM reserves the right to update or modify these disclosures based on forthcoming discovery, orders, or otherwise permitted by the rules and case schedule. IBM also refers VirtaMove to IBM's June 20 Initial and Additional Disclosures.

Anticipated Witnesses

- Allan Havemose (Arroyo Grande, California)
- Nimesh Bhatia (San Jose)
- Greg O'Connor (San Francisco)
- Solomon Hykes (San Francisco)
- Jessie Frazelle (San Francisco)
- Tonis Tiigi (San Francisco)
- Derek McGowan (Sacramento)
- Representative of CNCF (San Francisco)
- Andrew Tucker (NDCA)
- John Beck (NDCA)
- Daniel Price (NDCA)

- Steven Osman (NDCA)
- Dinesh Subhraveti (NDCA)
- Jonathan Clark (NDCA)

Evidence

- Thinstall (NDCA)
- Virtuozzo (NDCA)
- FreeDSB (NDCA)
- Solaris (NDCA)
- Kubernetes (NDCA)
- Docker (NDCA)

Join Zoom Meeting

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Passcode: [REDACTED]

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- +1 305 224 1968 US
- +1 309 205 3325 US
- +1 312 626 6799 US (Chicago)
- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)
- +1 346 248 7799 US (Houston)
- +1 360 209 5623 US
- +1 386 347 5053 US
- +1 507 473 4847 US
- +1 564 217 2000 US
- +1 669 444 9171 US
- +1 669 900 6833 US (San Jose)
- +1 689 278 1000 US
- +1 719 359 4580 US

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162.255.36.11 (US East)

221.122.88.195 (Mainland China)

115.114.131.7 (India Mumbai)

115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)

213.244.140.110 (Germany)

103.122.166.55 (Australia Sydney)

103.122.167.55 (Australia Melbourne)

209.9.211.110 (Hong Kong SAR)

149.137.40.110 (Singapore)

64.211.144.160 (Brazil)

159.124.132.243 (Mexico)

159.124.168.213 (Canada Toronto)

65.39.152.160 (Canada Vancouver)

207.226.132.110 (Japan Tokyo)

149.137.24.110 (Japan Osaka)

Meeting ID: 976 9959 7886

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